

08/19/03  
17698 U.S. PTO

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Attorney Docket P5026R1

PATENT

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22388 U.S. PTO  
10/643795  
08/19/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

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Title: COMPOSITIONS AND METHODS FOR THE DIAGNOSIS AND TREATMENT OF TUMOR

**1. Type of Application**

☐ This application is for an original, non-provisional application.

☒ This is a non-provisional application claiming priority to provisional application no's: 60/404,809 filed August 19, 2002, 60/405,645 filed August 21, 2002, 60/413,192 filed September 23, 2002, 60/419,008 filed October 15, 2002, 60/426,847 filed November 15, 2002 and 60/484,959 filed July 2, 2003, the entire disclosure of which is hereby incorporated by reference.

☐ This is a ☐ continuation-in-part ☐ continuation ☐ divisional application claiming priority to application Serial Number \_\_\_, filed \_\_\_, the entire disclosure of which is hereby incorporated by reference.

2. **Papers Enclosed Which Are Required For Filing Data Under 37 CFR 1.53(b) (Non-provisional)**

146 pages of specification  
2 pages of claims  
1 page(s) of abstract  
170 sheet(s) of drawings  
☒ formal ☐ informal

3. **Declaration or Oath**

☒ *(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*  
 An executed declaration of the inventor(s) ☐ is enclosed ☒ will follow.

☐ *(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*  
 A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

☐ *(for Cont./Div. where inventor(s) being deleted)*  
 A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

4. **Assignment**

☒ *(for new and CIP applications)*  
 An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☒ will follow.

☐ *(for cont./div.)*  
 The prior application is assigned of record to Genentech, Inc.

5. **Amendments (for continuation and divisional applications)**

☐ Cancel in this application original claims \_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$750.00
Total Claims	15	- 20 =	0	X \$18.00	\$0.00
Independent Claims	2	- 3 =	0	X \$84.00	\$0.00
Multiple dependent claim(s), if any				+ \$280.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$750.00</b>

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$750.00 **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

**9. Additional Papers Enclosed**

☐ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations

☐ Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.

☐ A new Power of Attorney or authorization of agent.

☒ Other: Application Data Sheet and Postcard.

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until

\_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.